

Exhibit 374

PART 38

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid in Support
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**

STRAW MAN. A "front," a third party who is put up in name only to take part in a transaction. Nominal party to a transaction...Black's 6th. Is also used in commercial property context when a transfer is made to a third party, the **straw man** [person] simply for the purpose of retransferring to the transferor in order to accomplish some other purpose not otherwise permitted. Barron's 3rd.

SUI JURIS. *Lat.* Of his own right; possessing full social and civil right; not under any legal disability, or other power of another, or guardianship. Black's 4th. Having the capacity to manage one's own affairs; not under legal disability to act for oneself.

SURNAME. A name which is added to the Islamic or Christian name, and which, in modern times, have become family names. The family name; the name over and above the Islamic or Christian name. The part of the name, which is not given in baptism; the name of a person, which is derived from the common name of the parents. Black's 4th.

TITLE (1) [<ME variant of titel, OE titul < L titulus] superscription, title] *Law.* A legal right to the possession of property, esp. real property; the ground or evidence of such right; the instrument constituting evidence of such right; a unity combining all of the requisites of complete legal ownership. Also: ownership; a term used in property law to denote the composite of facts that will permit one to recover or to retain possession of a thing. Webster's.

TITLE (2). The radical meaning of this word appears to be that of a mark, style, or designation; a distinctive appellation; the name by which anything is known. Thus, in the law of persons, a title is an appellation of dignity or distinction, a name denoting the social rank of the person bearing it; as "duke" or "count"
...Black's 1st.

TORT. Wrong; injury; the opposite of right. So called, according to Lord Coke, because it is wrested, or crooked, being contrary to that which is right and straight... In modern practice, **tort** is constantly used as an English word to denote a wrong or wrongful act, for which an action will lie, as distinguished from a contract... A tort is a legal wrong committed upon the person or property independent of contract. It may be either (1) a direct invasion of some legal right of the Inhabitant; (2) the infraction of some public duty by which special damage accrues to the Inhabitant; (3) the violation of some private obligation by which like damage accrues to the Inhabitant. In the former case, no special damage is necessary to entitle the party to recover. In the two latter cases, such damage is necessary.

TRADE-NAME. A trade-name is a name which by user and reputation has acquired the property of indicating that certain trade or occupation is carried on by a particular person. The name may be that of a person, place, or thing, or it may be what is called a "fancy name," (i.e. a name having no sense as applied to the particular trade), or a word invented for the occasion, and having no sense at all. Seb. Trade-Marks, 37 Sweet, Black's 1st.

TRADING WITH THE ENEMY. The federal offense of carrying on commerce with a nation or with a subject or ally of any nation with which the United States is at war. Black's 7th.

TRADING WITH THE ENEMY ACT OF OCTOBER 6, 1917. (H.R. 4960, Public, No. 91) "... (b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulation as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and

export, hording, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other paper, in connection therewith in the custody or control of such person, either before or after such transaction is completed..." and "(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident doing business, as the President, if he shall find the safety of the United States or successful prosecution of the war so require, may, by proclamation, include within 'enemy'." [Underline emphasis added.]

Note: A Government's tactic of fostering emergencies and stepping in as hero to extricate the people from the "difficulty" by dramatically increasing state power is as old as governments themselves. The U.S. bankruptcy occurring in 1861 placed the country under Emergency War Powers (12 Stat 319), which has never been repealed and exists in Title 50 United States Code (USC) §§212, 213, 215, Appendix 16, 26 code of Federal Regulations (CFR) Chapter 1 § 303, 1-6(a), and 31 CFR Chapter 5 § 500, 701 Penalties. The "Civil War" was not fought over slavery, but over private bank control of America. On October 6, 1917, the United States passed the Trading With the Enemy Act (H.R. 4960, Public Law 91), granting itself extraordinarily additional powers under the cover of WWI.

On March 9, 1933, just after Roosevelt's Inauguration, Congress passed the Amendatory Act (48 Stat. 1) to the Trading With the Enemy Act, at a time when the United States was not in a shooting war with any foreign foe (Government had become an administration for the creditor in bankruptcy). The amended version provided legal justification for dramatic increases in the power, scope, and authority of the U.S. Government (now owned by, and an administrative agency of, the Federal Reserve/IMF bankers). Aspects of such increases are:

The President became "King" via Section 1 of Title I of the Act:

"The actions, regulations, rules, licenses, order and proclamations heretofore or hereinafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

This means that anything the President wants to do is "approved and confirmed" automatically, in advance (i.e. "hereinafter") and backed by the full force, effect, and power of the "Government." Title 12 USC 95(a) states in part:

"(a) In order to provide for the safer and more effective operation of the National Banking System [indicating that the President acts for, on behalf of, and under the direction of the Federal Reserve]...during such emergency period as the President of the United States by proclamation may prescribe,..."

Every President since Roosevelt has reaffirmed the "national emergency" and issued "Executive Orders" under 12 USC 95(a), and continued the "reorganization" of the country in favor of Federal Reserve/IMF bankers. Since March 18, 1968, 31 USC 5112 (84 Stat. 1769; 1970) and 31 USC 5119, FRN's have not been redeemable in silver. In 1971-1973 President Nixon declared total international

bankruptcy, rendering private Federal Reserve "Notes" unredeemable, non-negotiable ("floating") pieces of paper as a medium of exchange. These Notes are listed in 26 USC 165(g) as "worthless securities."

The original Trading With the Enemy Act excluded citizens of the United States from being treat as the enemy when involved in transactions wholly within the United States. The Amendatory Act of March 9, 1933, however, included the people of the United States as the enemy by inserting the following:

"...by any person within the United States or subject to the jurisdiction thereof..."
Chapter 1, Title 1, Section 1 (b).

By operating of law, all persons ("citizens of the United States") involved in monetary transactions "within the United States" became official enemies of the U.S. Government and, as such, required a license for almost every type of commercial activity imaginable. The fact that sovereign Americans do not qualify as "persons within the United States," and hence are not subjects of the legislation, was not explained for them by the U.S. Government in 1933, nor anytime thereafter (and never will be).

The terms "**tribunal/or district/superior court**" mean "**DOUGLAS COUNTY DISTRICT COURT/or DOUGLAS COUNTY COURT**, and any proceedings held therein as it applies to the Case No. **04CR383**, styled as **IN THE EIGHTEENTH JUDICIAL DISTRICT COURT OF DOUGLAS COUNTY, STATE OF COLORADO, THE PEOPLE OF THE STATE OF COLORADO v. MICHAEL TODD RICKS SR** Respondent, or as otherwise similarly styled.

The terms "**tribunal/or district/superior court**" mean "**DENVER COUNTY DISTRICT COURT/or DENVER COUNTY COURT**, and any proceedings held therein as it applies to the Case No. **05CR3189**, styled as **IN THE SECOND JUDICIAL DISTRICT COURT OF DENVER COUNTY, STATE OF COLORADO, THE PEOPLE OF THE STATE OF COLORADO v. MICHAEL TODD RICKS** Respondent, or as otherwise similarly styled.

TRUE BILL. In criminal practice. The endorsement made by a grand jury upon a bill of indictment, when they find it sustained by the evidence laid before them, and are satisfied with the truth of the accusation. 4. Bl. Comm. 306. Black's 1st.

TRUE NAME. When a defendant is indicted or prosecuted by a fictitious or erroneous name, and in any stage of the proceeding his **true names** is discovered, it must be inserted in the subsequent proceeding, referring to the fact of his being charged by the **name** mentioned in the indictment or information. **Oklahoma Statutes**, Chapter 22, § 403. "17b If you checked the 'Yes' box in line 17a, give applicant's **true name** and **trade name**, if different than name shown on prior application." Internal Revenue Service Form SS-4 (Rev. April 1991), Application for Employer Identification Number. "2. PLEASE TELL US ABOUT YOURSELF: Use your true full **name**..." California Department of Motor Vehicles Form DL §§ (REV. 8/2000), DRIVER LICENSE OR IDENTIFICATION CARD APPLICATION. *See*. Note, legal fiction.

UCC § 1-103. Supplementary General Principles of Law Applicable. Unless displaced by the particular provisions of this code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud. Misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

UCC § 1-104. Construction Against Implicit Repeal. This code being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can be reasonably avoided.

ULTRA VIRES. Unauthorized; beyond the scope of power allowed or granted by a corporate charter or by law. Black's 7th.

UNITED STATES (U.S., US). "United States" means—(A) a federal corporation...28 USC § 3002 (15), Ch. 176. It is clear that the **United States**...is a corporation...534 FEDERAL SUPPLEMENT 724. The United States of America is a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh Dec. 177, 181. Bouvier's Law Dictionary, Fifth Edition. This term has several meanings. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations, it may designate a territory over which sovereignty of **United States** extends, or it may be the collective name of the states which are united by and under the Constitution. Black's 6th. The **United States** Government is a Foreign Corporation with respect to a State. 19 *Corpus Juris Secundum* § 884. In re: Merriam's Estate, 36 N.Y. 505, 141 N.Y. 479, Affirmed in U.S. v. Perkins 163 U.S. 625. "What is included in terms '**United States**' and '**Possessions of United States**,'—Hawaii and Alaska are included in '**United States**,' Puerto Rico, the Virgin Islands of the **United States**, the Philippine Archipelago, Guam, Tutuila and Manua and other islands of the Samoan group east of longitude 171 west of Greenwich, and the Canal Zone are included in '**Possessions of United States**...' **UNITED STATES OFFICIAL POSTAL GUIDE, JULY 1929.** "The Code has become one of the **United State's** important exports:..." The ABC's of the UCC by Russell A. Hakes (2000). See Note, District of Columbia, "in this state," bankruptcy. *Compare United States of America.*

Note: It is well settled that "United States" et al is a corporation, originally incorporated February 21, 1871 under the name "District of Columbia," 16 Stat. 419 Chap. 62 (reorganized June 11, 1878); a bankrupt organization per House Joint Resolution 192 of June 5, 1933, Senate Report 93-549, and Executive Orders 6072, 6102, 6111, and 6245; a de facto (see de facto) government; originally the 10-square miles tract ceded by Maryland and Virginia and comprising Washington, D.C., plus the possessions, territories, forts, docks, and arsenals (tract from Virginia was retroceded in 1846). It is also abundantly clear that, in postal matters, the term, United States, is a political entity distinct from the 50 freely associated compact States (the several States) of the Union. From the last cite in the definition above, one can also see the United States is a singular proper noun. Just as corporate General Motors is not plural, neither is a corporate United States. For a corporate history of "United States, Inc."

"**UNITED STATES CONSTITUTION**" means the bylaws of the municipal corporation of the District of Columbia and all political subdivisions established under the authority of the municipal corporation of the District of Columbia, adopted under the authority of the action of the Forty-First Congress Session 111 ch. 61 and 62 A.D. 1871 commonly referred to as the Federal Constitution.

UNITED STATES OF AMERICA (U.S.A., USA). The republic whose organic law is the constitution adopted by the people of the thirteen states that declared their independence of the government of Great Britain on the fourth day of July, 1776...If the nation comes down from its position of sovereignty and enters the domain of commerce, it submits itself to the same laws of commerce that govern individuals therein. It assumes the position of ordinary citizen and it cannot recede from the fulfillment of its obligations. Bouvier's 8th. A federal republic formed after the War of Independence and made up of 48 conterminous states, plus the state of Alaska and the District of Columbia in North America, plus the state of Hawaii in the Pacific.

Black's 7th. "Of or pertaining to, or founded upon and organized by a compact or act of union between separate sovereign **states**, as (1) by a league for common interest and defense as regard external relation, the internal sovereignty of each member remaining unimpaired, as the Hanseatic League or the German Confederation; or (2) by a permanent act of union founded on the consent of the people duly expressed, constituting as a government supreme within the sphere of the powers granted to it by that act of union, as the **United States of America**. – The constitution of the **United States of America** is of a very different nature than that of the German Confederation. It is not merely a league of sovereign **States** for their common defense against external and internal violence, but a supreme *federal* government or composite **State**, acting not only upon the sovereign members of the Union, but directly upon all its citizens in their individual and corporate capacities.

The term "**united States of America, united States of America, The united States of America, The united States of America, The several united States of America, and "the several united States of America"** the union of independent republics organized and operating under the original jurisdiction of the Republic of the several united States of America AD 1791. Allah, the Lord of the Worlds, endowed all humanity with inherent liberty under the law, the Declaration of Independence of the several united States of America, AD 1776, Articles of Confederation, AD 1781, The Treaty of Paris, AD 1783, The Northwest Ordinance, AD 1787, The Constitution for the several united States of America as amended, AD 1791.

"USC" = copyrighted UNITED STATES CODE.

"USCA" = copyrighted UNITED STATES CODE ANNOTATED.

"CSL" = copyrighted COLORADO SESSION LAW.

WARDS OF COURT. Infants and persons of unsound mine. Black's 4th.

"Whoever" = includes all persons, natural and artificial; partners, agents, and employees; and all officials, public or private. The term "Whoever" does not include the term "Inhabitant."

The term "**Corporation**" is synonymous with the term "**Enterprise**"

Executed this 21st day of March, 2008 C.E.

Michael T. Ricks-Bey
Michael-Todd: Ricks-Bey © Public Minister



COMMERCIAL NOTICE OF TRADE NAME

I, **Michael-Todd Ricks-Bey**, sui juris, whose proper given name is always spelled in upper and lower case letter; and who is a living, breathing soul, hereby **DECLARES** as secured party and Creditor, that a private Security Agreement exists between Creditor and fictitious Debtor under the Trade names, **MICHAEL TODD RICKS a.k.a. RICKS-BEY; M.T. RICKS a.k.a. RICKS-BEY; RICKS a.k.a. RICKS-BEY, MICHAEL T;** or any derivative thereof or therefrom, printed or written, spelled in upper or lower case, whole or in part, is to be filed in the Commercial Registry and is to be on Public Record in the Office of the Denver County Recorder.

NOTICE

I, **Michael-Todd: Ricks-Bey**®, **DENY USE** of my Proprietary Trade names or any derivatives thereof or therefrom; and trespass on such may incur legal action in "Trade Name Libel," nunc pro tunc June 16, 1959 C.E.

Any part or principal addressing, suing, joining, or billing the Proprietary Trade Names, as mentioned above, or any derivatives thereof or therefrom, without specific written authorization by the undersigned, Secured Party/Creditor, will be billed at One-Million, Eight-Hundred Thousand United States Dollars (\$1,800,000.00) on each count, the established penalty on each count of a trespass action.

OATH

I, **Michael-Todd: Ricks-Bey**®, the Undersigned, Secured Party/Creditor, do aver that the aforementioned is the Truth and Fact to the best of my Knowledge and Belief, to be True, Correct, Certain and not meant to Mislead. This "Commercial Notice of Trade Name" is made under the Pains and Penalties of Perjury according to the Laws of Almighty GOD, the united States of America and the State of Colorado.

NOTICE TO PRINCIPAL IS NOTICE TO AGENT AND NOTICE TO AGENT IS NOTICE TO PRINCIPAL

Michael T. Ricks-Bey
Michael Todd Ricks-Bey®
Secured Party/Creditor
Holder-In-Due-Course
Trade Name Owner



COMMERCIAL NOTICE OF TRADE NAME